UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/83/Add.1
11 January 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 14 (c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on internally displaced persons submitted in accordance with Commission resolution 1999/47

Addendum

Profiles in displacement: follow-up mission to Colombia

CONTENTS

		Paragraphs	Page
Introduction		1 - 12	2
I.	OVERVIEW OF THE DISPLACEMENT CRISIS	13 - 36	4
II.	NATIONAL AND INTERNATIONAL RESPONSE	37 - 63	10
III.	GAPS IN THE RESPONSE	64 - 104	17
IV.	CONCLUSIONS AND RECOMMENDATIONS	105 - 126	26

Annex: Map of Colombia

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Introduction

1. The situation of internal displacement in Colombia is among the gravest in the world. There are over a million internally displaced persons in the country with new displacements continuing to occur. The vast majority of the displaced have been uprooted from their homes in the last few years because of the sharp deterioration in the security situation. The problem, however, is a long-standing one, stretching back decades.

2. Political violence associated with internal armed conflict and characterized by serious violations of international human rights and humanitarian law is the primary cause of displacement. However, displacement in Colombia is not merely incidental to the armed conflict but is also a deliberate strategy of war. Indeed, rarely is there direct confrontation among armed groups (that is, the paramilitaries, guerrilla groups, and the armed forces/police). Rather, these armed groups attempt to settle their scores by attacking civilians suspected of being associated with the "other" side, and they do so with such severity as to leave those whose physical security is threatened with no choice but to flee.

3. Yet, the threats to physical security which the displaced flee to escape often only follow them into the communities in which they seek refuge. The very fact of having fled typically only heightens suspicions of allegiance with a particular armed actor and intensifies the risk of being targeted. Stigmatized and fearing for their lives, many of the displaced seek safety in anonymity, attempting to blend into the communities of urban poor. Having abandoned their homes, property and livelihood for conditions of destitution and continued insecurity, they constitute an extremely vulnerable segment of society. At the same time, displaced persons have begun to organize to defend their rights, but the leaders of their organizations and those of the local non-governmental organizations who try to help them are increasingly being targeted and killed by armed groups.

4. On the positive side, if one could be said to exist under such tragic circumstances, the Government of Colombia now acknowledges the problem of internal displacement and has proven itself open to international cooperation for addressing it. Indeed, at the invitation of the Government, the Representative undertook a second official visit to Colombia from 20 to 27 May 1999. The visit was combined with the Representative's participation in a conference in Bogotá from 27 to 29 May on the "Application of the Guiding Principles on Internal Displacement in Colombia" which was co-sponsored by the Brookings Institution Project on Internal Displacement, the Colombian consortium of non-governmental organizations (NGOs) *Grupo de Apoyo a Desplazados* (GAD) and the U.S. Committee for Refugees. Representatives of the Government participated, along with representatives of international organizations and non-governmental organizations. The summary report of the workshop is contained in addendum 2.

5. The official visit was undertaken for the purpose of follow-up to the Representative's mission to the country in 1994 (see E/CN.4/1995/50/Add.1). The objectives of this visit were: to assess developments since the 1994 visit in light of the serious deterioration in the situation, to evaluate the extent to which the recommendations from the 1994 visit had been implemented, and to formulate new recommendations for addressing the current situation.

6. Using the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) as a point of reference, the mission considered the needs and rights of the displaced as well as the responsibilities of the authorities and other relevant actors to address these needs in all phases of displacement - before displacement occurs, during displacement, and in the return and reintegration phase. Indeed, the Commission on Human Rights, in resolution 1998/50, which was adopted without a vote and co-sponsored by more than 50 States, including Colombia, took note of the Representative's intention to make use of the Guiding Principles in his dialogue with Governments as well as intergovernmental and non-governmental organizations; in resolution 1999/47, it welcomed the fact that the Representative had done so and requested him to continue efforts in this regard.

7. In Colombia, the Representative's use of the Guiding Principles as a basis for dialogue was well received by government officials. A number of them had indeed prepared in advance analyses of the situation of internal displacement in Colombia on the basis of the Guiding Principles. The Director of the Human Rights Unit of the Ministry of the Interior expressed the view that the Guiding Principles should be regarded as carrying a morally binding force.

8. During the course of the visit, the Representative engaged in constructive, candid dialogue with President Andrés Pastrana Arango and a number of government officials, including the Vice-President, the High Commissioner for Peace, the Minister and Vice-Minister for Foreign Affairs, the Vice-Minister of the Interior, the *Fiscal* (Prosecutor General), the *Defensor del Pueblo* (People's Advocate - Ombudsman), the Director of the Human Rights Unit of the Ministry of the Interior, the Manager of the Plan Colombia and the Assistant Director of the National Planning Department. On a number of occasions, the Representative met with the Vice-Minister of the Interior, a post which until March 1999 also was assigned the role of Presidential Adviser for the Displaced and the Manager of the *Red de Solidaridad Social* (Social Solidarity Network), the institution which just prior to the visit had been designated as the new government focal point for internal displacement. A scheduled meeting with the Minister of Justice and representatives at the national level of the Army and National Police was pre-empted by the resignation of the Minister of Defence. In Santander, Sucre and Bolivar departments, the Representative was received by regional and municipal authorities, including from regional offices of the *Defensoria del Pueblo*, *Personerias* (representatives of the Office of the Procurator at the municipal level) and members of the armed forces and police. During the mission, the Representative received the agreement of the President to meet with insurgent groups, who also consented to the proposed meeting, but in the end scheduling problems did not allow such a meeting to take place.

9. In a number of different forums, both in Bogotá and in the regions, the Representative had the opportunity to discuss the situation of internal displacement with officials from United Nations agencies and international NGOs. He also met with representatives of the diplomatic and international donor community. A meeting of the Resource Group, comprised of representatives of United Nations agencies and Colombian intellectuals, as well as discussions held with representatives of the Catholic Church, provided a very helpful analysis of the conflict in Colombia and of the peace process.

10. Several meetings were held with representatives of the internally displaced and with local NGOs involved with the displaced. During the visits to Santander, Sucre and Bolivar

departments, the Representative met with representatives of internally displaced communities from these departments, from the neighbouring department of Córdoba and from the Montes de María region. A number of the mayors in the department of Sucre with whom the Representative met were themselves internally displaced. A workshop held in Bogotá for internally displaced women from throughout the country devoted its closing session to sharing its recommendations and conclusions with the mission delegation. The Representative also visited internally displaced communities on the outskirts of Cartagena (Bolívar department), specifically in the Nelson Mandela *barrio* and the *Ciénaga de la Virgen* settlements.

11. The Representative notes with appreciation the cooperative approach displayed in his meetings with government officials and wishes to express his gratitude to all those who shared their insights and concerns on the situation of internal displacement in Colombia. Particularly noteworthy is the support provided throughout the visit by the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR). A special word of appreciation is also due to the Colombian non-governmental organizations, who provided extensive information and whose dedication and courage should be acknowledged.

12. The report is organized into four sections. Section I provides an overview of the current displacement crisis. Section II describes the national and international response. Section III identifies the gaps in the response in terms of the Guiding Principles. Each of these sections highlights changes that have taken place since 1994, some of which indicate progress while others reflect a worsening of the situation and the need for more concerted measures to address it. Conclusions and recommendations are provided in section IV.

I. OVERVIEW OF THE DISPLACEMENT CRISIS

A. Magnitude of the problem

13. At the time of the Representative's first mission, there existed no precise and agreed-upon statistics on the number of internally displaced persons in Colombia. While this remains true today, important efforts have been undertaken since 1994 to better assess the magnitude of the problem. In 1995, the Episcopal Conference of Colombia published a study on the problem of internal displacement in Colombia which, through a survey of 1,170 displaced persons in parishes throughout the country, estimated that 586,261 people had been displaced between January 1985 and August 1994.[1] As a follow-up to this study, the *Consultoría para los Derechos Humanos y el Desplazamiento* (CODHES) created an information system on displacement, known as SISDES and supported by the United Nations Children's Fund (UNICEF), to estimate the number of displaced on an annual basis. The following figures reflect the results of their estimates:

Year	New displaced	Total IDP population	% increase
1985-1994	586 261	586 261	-
1995	89 510	675 771	15
1996	181 000	856 771	26
1997	257 000	1 113 771	30
1998	308 000	1 421 771	28

14. According to these figures, 746,000 persons became internally displaced between 1996 and 1998, which is considerably higher than the Government's estimate of 381,755 for the same period.[2] As both CODHES and the Government stressed, these figures are merely statistical projections, which are by no means precise. However, the significant discrepancy between them is due to variations in methodological approaches, including the absence of common criteria for data collection. For instance, while for CODHES the main criterion used in its calculation is the factual situation of being internally displaced, the Manager of the Government's *Red de Solidaridad* noted that the figure used by his office counts only those displaced considered to be in need of attention. In a situation, such as in Colombia, of long-standing internal displacement stretching over decades, there also arises the question of when to stop counting persons as displaced. This is indeed a complex question. In the absence of clear guidelines as to when displacement ends, there is a need for a case-by-case approach taking into account situational factors determining the possibilities for return home or resettlement as a durable solution.[3] A further factor complicating calculations of the number of the internally displaced in Colombia is the reluctance of many of the displaced to identify themselves as such, for fear of further threats to their safety.

15. Estimates of the number of internally displaced persons cited over the course of the follow-up mission ranged from 300,000 to 1.5 million. The majority of independent observers with whom the Representative spoke tended to place the number at the higher end of this range, surpassing the 1 million mark. Notably, the Government's *Defensoria del Pueblo* cites the CODHES figure of 1.5 million displaced in the past 10 years. According to this figure, at least 1 in every 10 Colombians is internally displaced and, in global terms, Colombia has one of the largest populations of internally displaced persons in the world.

16. Commenting on the variation in figures, the Vice-Minister for Foreign Affairs suggested that assessing the magnitude of the problem of internal displacement was one task with which the Government could benefit from international assistance. It is worth noting in this regard that the establishment of a national information network on internal displacement is one element provided for in national legislation but which has yet to be fully implemented (see sect. II below).

17. While figures for the internally displaced in Colombia remain imprecise, what is undeniable is that the number has escalated, and at an exponential rate. The tracking by CODHES indicates a dramatic upward trend in the magnitude of the internally displaced population since 1994. The figures for 1998, marking a 28 per cent increase in the number of internally displaced from the previous year, would represent the most intense period of

displacement in more than a decade, involving approximately eight households displaced every hour that year.[4] The escalation in that time period of the conflict causing displacement, which is examined in the following section, would support this conclusion.

18. Finally, while there remains considerable scope for improvement in assessing the magnitude of the problem, far more important than precise figures of the number of the internally displaced is a recognition of, and adequate response to, their plight. In this regard, the Representative shares the view of the Vice-Minister of the Interior that "regardless of the number of internally displaced persons, they represent a humanitarian problem for which the Government has responsibility."

B. Conflict as the context of displacement

19. As in so many other situations that the Representative has studied, internal displacement in Colombia stems from political violence associated with armed conflict and characterized by serious violations of human rights and humanitarian law. As the historical overview of the long-standing conflict and displacement crisis was provided in the report of the first mission (E/CN.4/1995/50/Add.1, paras. 18-28), the focus here is on developments since 1994 which have had an impact on the displacement problem.

20. To begin with, it is important to recall the complexity of the conflict owing to the multiplicity of actors and interests involved. First, there are the State armed forces (comprising the army, navy and air force) and National Police, both of which are attached to the Ministry of Defence. Second, there are various paramilitary groups, organized under an umbrella group known as *Autodefensas Unidas de Colombia* (AUC). Paramilitary activity has grown significantly in recent years. Though no longer enjoying legal authority, as was the case from 1968 to 1989, paramilitary structures effectively were institutionalized during the previous administration through the existence of "special private security and vigilante services" (previously known as "Convivir") legally authorized to carry arms and perform functions of public order similar to those of the armed forces and police. These armed groups often have operated without effective control or adequate supervision on the part of the authorities and, as OHCHR reports, their activities are difficult to distinguish from those of the paramilitaries as "in many cases there are areas in which they coincide, converge or supplement or replace each other" (E/CN.4/1998/16, para. 92). It should be noted that beginning in 1998, the Government introduced measures modifying the functions of the armed groups and imposing stricter control of their activities, most notably by prohibiting their use of automatic weapons, which resulted in a reduction in the number of these groups. Third, there are the guerrilla forces which are organized into several distinct and autonomous groups. Foremost among these is the *Fuerzas Armadas Revolucionarios de Colombia - Ejército Popular* (FARC-EP), which is the strongest of the guerrilla forces militarily. Comparatively smaller and possessing less military strength is the *Ejército de Liberación Nacional* (ELN) and the *Ejército Popular de Liberación* (EPL). A significant guerrilla presence is reported in at least half of the municipalities in Colombia.

21. The systematic violations of human rights law and grave breaches of humanitarian law that characterize the conflict[5] are committed by all sides, but in recent years, paramilitary operations have been identified as causing most of the violations and displacement. Extrajudicial and arbitrary executions (often in the form of massacres or collective killings),

enforced disappearances, torture, hostage-taking and attacks against the civilian population and civilian targets are common features of the conflict. With the intensification of the conflict in recent years, these violations of human rights and humanitarian law have significantly increased, as has the displacement that they and the general situation of violence engender. Also related to the conflict, a large number of families have fled in order to avoid the forcible recruitment of their children by guerrilla forces.

22. One of the more important developments of recent years is that civilians have come to be considered by the parties to the conflict as a military objective, with the result that the non-combatant and protected status of the civilian population has become severely blurred. Areas are "cleansed" of the support base they are suspected of providing the "enemy" through the mass displacement of entire communities and then, especially when the land concerned is of strategic value in military or economic terms, are repopulated by supporters of the forces conducting the displacement. These mass displacements frequently are announced in advance, with those who fail to follow the order to move finding themselves at risk of massacre or other serious attacks upon their physical security.

23. Economic interests underlying the violence and conflict also are factors inducing displacement. As part of a process of so-called "counter-agrarian reform" (which at the time of the Representative's first mission in 1994 had resulted in an estimated 3 per cent of landowners controlling more than 70 percent of the arable land in the country), displacement is often a tool for acquiring land for the benefit of large landowners, narco-traffickers, as well as private enterprises planning large-scale projects for the exploitation of natural resources. The fact that most peasants do not possess legal title to the land makes them easy targets for this process, described by the *Defensor del Pueblo* as "land-reform taking place at gunpoint". OHCHR reports having received testimony from a number of small and medium-scale farmers "who have been robbed of their land by paramilitaries in the service of drug traffickers or local landowners, or who have had to sell their land cheaply before leaving the region under death threats" (E/CN.4/1998/16, para. 98). A similar pattern of displacement has also appeared in relation to the exploration and exploitation of natural resources and the implementation of large-scale development projects, in some cases concerning not strictly domestic economic interests but also the objectives of multinational corporations. It is thus not without coincidence that the areas where guerrilla and paramilitary activity is most intense tend to be rich in natural resources.

24. Since the Representative's last mission, significant changes have occurred with respect to responsibility for displacement, as the following figures compiled by CODHES demonstrate.

Year	Armed Forces and Police	Paramilitaries	Guerrillas	Others
1985-1994	27%	21%	32%	20%
1995	19%	35%	26%	20%
1996	16%	33%	28%	23%
1997	6%	54%	29%	11%

25. While the level of responsibility of guerrilla forces has remained relatively constant, since 1994, there has been a marked decrease in the level of responsibility of the armed forces and the police, and a simultaneous three-fold increase in the level of responsibility on the part of

the paramilitaries. Underlying and explaining this trend is the collaboration that exists between the paramilitaries and the armed forces and the police. In 1998, OHCHR reported that "a considerable number of the acts of violence by the paramilitaries are carried out with the tolerance, not to say complicity, of public servants, particularly members of the armed forces and National Police" (E/CN.4/1998/16, para. 90). In the words of the *Defensor del Pueblo*, paramilitary groups "have become the illegal arm of the armed forces and police, for whom they carry out the dirty work which the armed forces and police cannot do as authorities subject to the rule of law". Paramilitary activity thus represents "a new form of exercising illegal repression with no strings attached".[6] In 1999, the Chairperson of the Commission on Human Rights, in a statement on the situation of human rights in Colombia made on behalf of the Commission, urged the Government "to intensify to the maximum political, administrative, judicial and other appropriate measures on official bodies suspected of supporting 'paramilitary' groups".[7]

26. The imperative of ending the long-standing conflict was a central issue in the presidential elections of 1997. Since taking office in mid-1998, the Pastrana administration has given an important boost to the peace effort by engaging in a peace initiative with the FARC-EP. As part of this process, on 7 November 1998, President Pastrana ordered the withdrawal, for an initial three-month period, of the armed forces from five municipalities in the departments of Meta and Guaviare in the southern part of the country prior to the formal commencement of peace talks two months later. The period of withdrawal has since been extended several times. Serious allegations of arbitrary action by FARC in this area have underscored the importance of establishing within the framework of the peace talks minimum rules to be respected by the guerrilla forces in this zone.

27. On 6 May 1999, those engaged in the peace process issued a 12-point "Common Agenda for Change Towards a New Colombia" stressing the importance of a negotiated political solution to the conflict and including among its concerns respect for international humanitarian law, justice, political reform, a comprehensive agrarian policy and commitments to combat narco-trafficking and corruption. Unfortunately, the issue of displacement is not expressly included in the agenda.

28. Meanwhile, talks with ELN have taken place on an intermittent and ad hoc basis. Paramilitary groups, for their part, continue to express opposition to their exclusion from peace talks through terrorizing tactics, including the kidnapping of high-level public officials, as also occurred during the mission.

29. In the view of most observers with whom the Representative met, the peace process has yet to have a measurable impact in mitigating the level of violence associated with the conflict and thus in attenuating displacement. Indeed, reports received by the Representative since his follow-up mission indicate that violence has only continued to intensify, with new offensives in the summer of 1999 causing additional large numbers of people to flee in search of safety.

C. Patterns of displacement

30. The intensification and geographical expansion of the conflict in recent years has been mirrored by a widening of the displacement crisis to engulf almost the entire country (see map, annex), affecting all but a few isolated departments. The principally affected areas are

Antioquia, Bolívar, Santander, Córdoba, Magdalena, Chocó, César, Sucre, Meta, Putumayo, Valle de Cauca, Caquetá, Cauca and Guaviare. The forced displacement in Antioquia accounts for 25 per cent of the national total.

31. An examination of the profile of the population affected reveals that displacement is a plight principally of the more marginalized sectors of society. As was the case in 1994, the victims of displacement are predominantly peasants, or *campesinos* as they are known, living in areas of paramilitary or guerrilla influence. Particularly affected are members of the country's indigenous and Afro-Colombian communities, especially in the departments of Chocó, Antioquia, Córdoba, Cauca, Meta, Caqueta and Guaviare, where large numbers of these populations are concentrated. The Emberá-katio indigenous peoples of the region of Alto Sinú in the department of Córdoba have been at particularly high risk, having faced constant threats and with many of their leaders having been killed. At the same time, the phenomenon of "political cleansing", which targets trade union leaders, political activists, community leaders, mayors and town council members, judges and public prosecutors, journalists, human rights activists, teachers and other segments of the urban population, has resulted in an increasing number of these groups of people joining the ranks of the displaced.

32. Women and children continue to make up the vast majority - approximately 80 per cent - of the displaced. Some 58 percent of the internally displaced are women while 55 per cent are under 18 years of age. According to a December 1998 report of the *Defensoría del Pueblo* and UNICEF, at least 620,000 children have been affected by displacement. The attention given to the plight of internally displaced children by the Special Representative of the Secretary-General on Children and Armed Conflict during his mission to Colombia, which immediately followed that of the Representative, is most welcome.[8] Displacement has the effect of eroding traditional family structures, particularly as a result of male members of the family having been killed, having disappeared or being compelled to seek safety or work elsewhere. An estimated 36 to 39 per cent of displaced households are headed by women.[9]

33. Patterns of flight continue to be predominantly from rural to urban areas. Moreover, in a phenomenon known as "intra-urban displacement", displacement to urban areas tends to occur incrementally, as continued threats to their physical security and inadequate responses to their assistance needs compel the displaced to flee from smaller cities to increasingly larger centres. A large number ultimately make their way to Bogotá (it is estimated that 37 displaced families arrive in the capital city every day) and other major cities including Medellín, Cartagena and Barranquilla. Within the cities, the displaced tend to be concentrated in the slums and shanty towns, where they find themselves among the poorest of the urban poor. Others may be accommodated by family members for extended periods of time. On account of their rural origins, the displaced typically experience difficulties in adapting to urban life.

34. While people used to flee mostly as individuals or in small family groups, since 1997 there has been an increasing number of collective and mass displacements, often of entire communities. Accounting for this trend is the fact that displacement has become more organized, frequently occurring in compliance with a specific order issued by armed actors for communities to move, as opposed to more spontaneous flight to escape threats to physical security. One of the more notorious situations of mass displacement occurred in the Magdalena

Medio region, in the southern part of the department of Bolivar when, in June and July 1998, some 10,000 persons from 17 different municipalities were displaced to Barrancabermeja. There, they remained in overcrowded and desperate conditions for over three months before their return which also proved highly problematic (see sect. III.C.).

35. An important change in the pattern of displacement has been the advent in 1997, for the first time in Colombia, of camp-like settings of internally displaced persons, such as the camp in Pavarando (Antioquia) and the concentration of internally displaced persons in the coliseum in Turbo (Antioquia). Though the considerable media coverage of the Pavarando camp, where internally displaced persons languished in impoverished conditions for up to two years, served to raise awareness of the phenomenon of internal displacement in Colombia, it also laid bare the inadequate response on the part of the authorities to addressing the phenomenon of mass displacement.

36. Another noteworthy development is the advent of an international dimension to the displacement crisis as a result of cross-border flight. Though the militarization of border areas and the existence of natural obstacles such as mountains, rivers and jungles continue to make it difficult for the displaced to flee the country, the number attempting to do so has noticeably increased. In the first half of 1997, a deterioration of the security conditions in the border areas began to prompt the flight of large numbers of persons into Panama and, subsequently, Venezuela and Ecuador. However, most of the displaced who manage to reach these countries are not recognized as refugees but as undocumented migrants, many of whom are sent back against their will.[10] The development of the displacement crisis to involve an element of cross-border flight has had important implications for the international response, namely the involvement of UNHCR, which will be discussed below.

II. NATIONAL AND INTERNATIONAL RESPONSE

A. The Government of Colombia

37. At the time of the Representative's first mission in 1994, the problem of internal displacement in Colombia was just beginning to be recognized by the Government. There was no clear policy on internal displacement and uncertainty prevailed regarding the magnitude of the problem and the appropriate response. Moreover, a lack of coordination within the Government and between the Government and the international community hampered the existing response. There was also a need for harmonizing the perspectives and activities of the central and local organs of the Government and for improving relations between the authorities and the non-governmental community which were characterized by mutual suspicion and lack of cooperation. The Representative's recommendations to the Government focused on addressing these concerns, in particular by increasing awareness of the problem, encouraging formulation by the Government of a policy on internal displacement, calling for better coordination within State institutions and between the State and the international community, and advocating cooperation between the Government and NGOs.

38. The Representative found during his follow-up mission that progress had been made since his last visit in the response of the national authorities to the situation of internal displacement. To begin with, there is greater awareness on the part of the Government of the

crisis of internal displacement in Colombia and of its responsibility for addressing it. Most notably, on 9 September 1994, Colombia's National Human Rights Day, President Samper acknowledged the problem of internal displacement and the State's responsibility to address it.[11] The Pastrana administration has reaffirmed this.

39. Recognition by the Government of its responsibilities towards the internally displaced has been reflected in a number of policy documents. The National Council for Economic and Social Policy (CONPES) - an entity in the executive branch - adopted in 1995 a "National Programme for Comprehensive Attention to the Population Displaced by Violence".[12] Although the document incorporated a number of the recommendations of the Representative and of the Permanent Consultation on Internal Displacement in the Americas (CPDIA), the programme suffered from a number of structural problems, in particular, as the authorities acknowledged, "difficulties with inter-institutional management and coordination, information, and funding".[13]

40. In an effort to address these shortcomings, in May 1997 the National Programme was amended in a second CONPES document which provided for a national "system" for addressing the problem of internal displacement and set forth a strategy of prevention, immediate assistance, and "consolidation and socio-economic stabilization". This was adopted by the Ministry of the Interior, the Presidential Adviser for the Displaced (a post established by decree on 28 April 1997), the Presidential Adviser on Human Rights, the Presidential Adviser for Social Policy and the National Department of Planning.[14]

41. The programmes put forward in the two CONPES documents as well as policy initiatives contained in various government decrees were then formalized, and consolidated in a National Plan for the Internally Displaced, in law 387, adopted by Congress on 18 July 1997.[15] Six months later, specifically on 26 January 1998, detailed proposals for the implementation of law 387 were set out in a plan of action issued by Presidential decree.[16] In March of that year, a further decree provided for the allocation of 40 billion pesos (US$ 30.7 million) for addressing the problem of internal displacement in accordance with law 387.[17] Another relevant policy document is the National Development Plan for 1999-2002 which includes attention to the internally displaced in the context of the development of areas affected by the armed conflict.

42. The institutional structure provided for in the second CONPES document and law 387 is three-tiered. First, there is the National Council for Comprehensive Assistance to the Displaced comprised of senior government officials and chaired by a delegate of the President.[18] This consultative body is responsible for the design of national policies on internal displacement and for securing the requisite financial resources for the implementation of these policies. Second, 15 specialized national institutions are responsible for the actual implementation of national policies. Third, committees on internal displacement are to be created at the various levels of local government (municipality, district, department). Chaired by the civil authority (governor or mayor) and with a membership that comprises representatives of the local military authority, the police, the civil defence authority, the health authority, the family welfare agency, the Colombian Red Cross and the Church, as well as two representatives of internally displaced communities, these committees are responsible for supporting the national system for the displaced at the local level.

43. In order to assist the work of these three institutional tiers and to evaluate the effectiveness of the National Plan for the Internally Dislaced, law 387 also provides for the creation of a National Information Network on Internal Displacement. The Network is intended to provide information on national as well as regional trends and to facilitate a quantitative analysis of the phenomenon of forced displacement and the formulation of measures for providing assistance, protection and durable solutions to the internally displaced. For the purpose of information gathering, municipal focal points are to be established and non-governmental entities encouraged to participate.

44. Law 387 further provides for the creation of a monitoring mechanism on forced displacement (Observatorio del Desplazamiento interno por la Violencia) comprised of experts, which would serve as an analytical and consultative body. The Observatorio is required by law to submit analytical reports on the magnitude of forced displacement, its varied trends and the results of State policies seeking to respond to it.

45. The Government has thus made appreciable progress since the Representative's first visit in the design of public policies and the elaboration of legislative and institutional frameworks for addressing the situation of internal displacement. Where the Government response falls seriously short, however, is in the area of implementation. In practice, the national system for response to internal displacement has been very slow to take shape. As the Government itself has acknowledged, there are a number of structural impediments to the implementation of its policies: at the central and local levels institutional responsibilities have not been fully assumed, technical and financial resources have been inadequate to enable institutions to fulfil their responsibilities, and there has been a lack of coordination among institutions.[19]

46. Regarding the incomplete assumption of institutional responsibilities, part of the problem stems from the fact that law 387 requires *"reglamentación"*, that is, an elaboration of the modalities of implementation. Without this, government authorities, at all levels, lack a clear definition of their responsibilities. Indeed, authorities at the departmental and municipal levels indicated to the Representative that the lack of specificity on how to implement government policy was one of the main constraints they faced. Guidelines as to how the authorities should address the issue of internal displacement are clearly needed in order to avoid what officials described as the "random action" characterizing the response to date. Though some initial efforts have been undertaken towards the *reglamentención* of law 387, it is critical that this process be completed.

47. It is also important to ensure the establishment and effective functioning of the new institutional mechanisms provided for in the law. At the time of the mission, and almost two years after its creation, the National Council for Comprehensive Assistance to the Displaced still had not met, despite the express requests of individual members that it do so. Given that the National Council is responsible for the design of national policies on internal displacement and the securing of effective resources for their implementation, the continued delay of its meeting necessarily impedes the effective functioning of the system as a whole. At the local level, in a number of cases, the departmental and municipal committees have been slow to take shape. Meanwhile, though efforts towards the establishment of the National Information Network had begun through the design (with the assistance of the International Organization for Migration (IOM)) of the necessary software, this initiative has also not been followed through. Moreover,

though the importance of the Observatorio continues to be recognized by the Government, no concrete action has been taken towards its creation. The establishment of the Observatorio would ensure an ongoing assessment both of the problem of internal displacement and the response to it, by bringing together experts outside the Government to evaluate the Government's response.

48. The need for greater coordination among the central and regional as well as local authorities that was apparent during the Representative's first visit regrettably remains. Both national and local authorities stressed to the Representative their difficulties in communicating with one another. Indeed, it was striking to hear the authorities in the regions speak of the "Government" as though they were not part of it. Given the responsibilities assigned to the departmental and municipal committees, closer collaboration between the central and local authorities is critical.

49. It is to be hoped that the recent designation, in March 1999, of the *Red de Solidaridad Social* as the national focal point agency for the internally displaced will ensure enhanced coordination. In March 1999, the post of Presidential Adviser for the Displaced, which had been in existence since 1997, was eliminated and its functions reassigned to the *Red*.[20] Established in 1994, the *Red* is mandated to address the needs of the most vulnerable groups of society, such as the poor, children, women, minorities, and now also the internally displaced. As with the previous arrangement of Presidential Adviser, the *Red* comes under the direct competence of the Office of the President. In addition, with offices throughout the country, the *Red* has the added advantage of having a nationwide operational capacity, and thus the possibility of working directly with partners at the departmental, regional and municipal levels. To do so effectively, however, will require strengthening the capacity of departmental, regional and municipal committees for the internally displaced which, as the *Red* acknowledged, has not yet been achieved. It will also require training in and understanding of protection issues. Unlike the poor, the internally displaced face issues of physical safety that must be addressed.

50. An important means of activating the institutional framework provided for in the law involves providing technical assistance to relevant mechanisms to enable them to fulfil their responsibilities to the internally displaced. In this connection, the recent decision of the Government to establish a Joint Technical Unit (JTU) within the *Red* to provide technical advice to strengthen the operational response to internal displacement is encouraging. Administered by a steering committee composed of representatives of government agencies responsible for financing and implementing all aspects of assistance to the internally displaced, relevant international organizations and national non-governmental organizations engaged in humanitarian assistance, the JTU will field a mobile group of national and international experts to provide technical support to local *Red* staff, the municipal committees, NGOs and others engaged in activities designed to assist displaced persons.

51. On the issue of financing, it has been calculated that in 1997-1998, the Government spent approximately $38,500 to help the internally displaced, equivalent to $0.32 per head.[21] But the *Red* explained that additional sources of funding now exist, depending upon the phase of displacement. In the area of prevention, the principal sources of funding are the Plan Colombia (a multi-billion-dollar national development plan),[22] the *Red* and international aid. For humanitarian assistance, there is the National Disaster Fund, the *Red* donation programme and

municipal, national and international funds earmarked for relief for the internally displaced. Supporting the solutions phase are the Plan Colombia, sectoral funds earmarked for internal displacement and international aid. For 1999, $20 million would be allocated for the internally displaced, as part of the allocation in the Plan Colombia for $100 million over five years. The *Red* is also actively soliciting international aid for its programmes for the internally displaced. The various funds, however, have not yet been made fully available.

52. Apart from the amount of funds, there is the issue of their distribution. Regional and local authorities indicated that severe delays in the disbursement of funds was a major impediment to the effective discharge of their responsibilities towards the internally displaced. There is also a need for the funds allocated to the regional and local authorities to be commensurate with their considerable responsibilities.

53. Another problem is the current overemphasis on humanitarian assistance with scant attention paid to the prevention of displacement and support for durable solutions. According to one governor, the actions taken by the authorities to date can be characterized as "fire-fighting" or simply responding to displacement only after it occurs, without sufficient attention to prevention. In his words, "This is not a policy for a problem of this magnitude." Moreover, the focus on emergency humanitarian assistance, as will be highlighted in the subsequent section, is very limited both in content and scope and fails to reach large numbers of the displaced in need. It is to be hoped that the identified gaps and weaknesses in the national policy on internal displacement will be effectively addressed in the third CONPES document which was being drafted at the time of the Representative's visit.

54. The participation of NGOs in the design and analysis of the national response to internal displacement needs to be strengthened and more systematic. In 1994, the Representative stressed that human rights and humanitarian NGOs should be perceived by the Government as partners in its efforts to care for the displaced (E/CN.4/1995/50/Add.1, para. 113). On the follow-up mission, NGOs noted that while there had been constructive collaboration with relevant government bodies in a few cases, coordination between them generally could be characterized as sporadic. Regional and local authorities acknowledged that "there is still a long way to go" before achieving the appropriate level of integration between government authorities and other actors involved. In particular, there is a need to open up a channel for dialogue between the Government and the NGO community. Doing so would be particularly beneficial now that national policy on internal displacement is being reformulated and institutional responsibilities recently have changed. This would enable the NGO community to share its accumulated wealth of best practices and constructive criticism of existing policies and programmes. The commitment made by government representatives at the workshop to convene in June a meeting with the NGOs and to establish a more permanent forum for dialogue in the form of a *mesa de trabajo mixto* (round table) was a most encouraging sign. However, symptomatic of the national response to displacement in general, it has fallen short when it comes to implementation: the *mesa de trabajo mixto* has yet to be convened and although a meeting between the Government and NGOs did indeed take place in June, the Representative has been informed that several key NGO participants were barred from attending. Clearly, a more inclusive approach and a more permanent forum are required. An NGO liaison officer would be valuable to facilitate and foster cooperation with the NGO community.

B. The international community

55. The Government of Colombia has demonstrated a readiness to accept or request international cooperation in responding to the assistance and protection needs of the internally displaced. This is particularly true in recent years, with the result that a number of international agencies have established or enhanced their presence in Colombia since the Representative's 1994 visit, a key recommendation of which was an increase of international presence. While space constraints do not allow for an overview of all international activities on behalf of the displaced, the report summarizes those of the principal international organizations most actively engaged with the issue of internal displacement.

56. The International Committee of the Red Cross (ICRC), which has been active in Colombia since 1969, maintains the largest and most comprehensive international presence in the country, with a staff of over 50 expatriates and 150 locals operating out of Bogotá and 14 subdelegations throughout the country. Through regular contacts with all parties to the conflict, ICRC delegates seek to promote respect for international humanitarian law with a view to creating the conditions in which civilians can remain in their homes in safety and dignity. In addition to its protection activities, ICRC provides emergency aid for persons once they become internally displaced, concentrating on those recently displaced. In 1998, it assisted 137,000 internally displaced persons, of whom some 100,000 were part of mass displacements, with the remainder being cases of individual flight. In light of the increasing numbers of displaced, ICRC has announced an expansion in its emergency assistance programme for 1999, to cover some 171,000 internally displaced persons.[23] The 90-day emergency kits it provides include food assistance as well as kitchen sets, blankets and mattresses. In some cases, such as at the Pavarando camp, the emergency assistance provided by ICRC has been prolonged beyond three months to over a year. Generally, however, ICRC seeks to support self-reliance on the part of those who have been displaced for long periods of time through the provision of items such as agricultural tools and fishing equipment.

57. Aside from ICRC, international presence has expanded since the Representative's 1994 visit to involve a number of new actors. In 1997, the Office of the High Commissioner for Human Rights established an office in Bogotá on the basis of a 29 November 1996 agreement with the Government. The mandate of the Office is twofold: to monitor the human rights situation and to provide technical cooperation with a view to addressing the underlying causes of human rights problems. Particular attention is paid to the problem of internal displacement, including through the designation in the Office of a focal point for the issue.

58. In another important development, UNHCR opened an office in Colombia in June 1998. In 1997, the Representative had written to the United Nations High Commissioner for Refugees to encourage her Office to establish a presence in the country, including in the field. Responding to the situation of internal displacement is a central component of UNHCR's activities in Colombia, with a special programme having been developed for this purpose. The objectives of the programme are twofold: to support an effective, integrated and coordinated State and civil society response in favour of the internally displaced, based on fundamental protection principles and with special emphasis on the national institutional framework; and to contribute to the initiatives of the peace process by reinforcing the response to humanitarian concerns linked to internal displacement. Activities undertaken towards these aims comprise: (i) strengthening the

overall legal and institutional national frameworks for responding to the phenomenon of internal displacement; (ii) promoting and supporting the elaboration of protection strategies by the Government of Colombia with a view to preventing displacement; (iii) improving the emergency response in order to fully meet the needs of the displaced; (iv) advocating safe solutions to the situation of the internally displaced, including through promoting the direct participation of the internally displaced in the process of finding safe solutions; (v) advocating and disseminating activities to raise public awareness of the internally displaced, secure the necessary resources to respond to their needs and integrate the issue of internal displacement into the agenda of the peace negotiations. This programme, intended to run from July 1999 to December 2000, anticipates as its end results: the establishment at the State level of a viable national institutional capacity, equipped with the requisite technical and managerial skills to assess, monitor and respond to the needs of the internally displaced in cooperation with civil society institutions; and a mitigation of the plight of the internally displaced, especially through enhanced physical security and access to essential rights and services. While UNHCR's small présence currently is limited to Bogotá, plans were under way to establish three field offices, to be staffed by United Nations Volunteers, in Barrancabermeja, Apartado and Puerto Asis (Putumayo), by the end of 1999.

59. In addition to carrying out its own operational plan, UNHCR plays an important role in facilitating interaction among agencies of the United Nations system on the issue of internal displacement, having been asked to do so, on an informal basis, by the United Nations Resident Coordinator in the country. In this function, UNHCR supports the work of four inter-agency committees (on information and prevention; revision of the normative framework; coordination of international cooperation; and support for local committees).

60. The activities of other agencies on behalf on the internally displaced can only briefly be highlighted. UNDP is engaged in a number of projects supporting capacity-building of national institutions working on behalf of internally displaced persons, including supporting the development of an early-warning capacity within the *Defensoria del Pueblo*. Also of note is its Development and Peace Project in the Magdalena Medio region (the regional office of which the Representative visited in Barrancabermeja) which aims to strengthen civil society as well as to support sustainable development in this region so seriously affected by internal displacement. UNICEF, in addition to supporting the CODHES information system, undertakes projects providing psychosocial support to displaced children and education kits and basic health assistance to some 20,000 internally displaced families. The World Health Organization (WHO), working with the Pan-American Health Organization (PAHO), has a project which aims to strengthen the capacity of the Ministry of Health to ensure attention to the health needs of the internally displaced. The World Food Programme (WFP), which has been undertaking operations in Colombia since 1962, supports food-for-work projects for the displaced, has a specific programme assisting displaced indigenous communities, and maintains revolving credit funds designed to promote socio-economic activities by facilitating access to credit. At the time of the mission, WFP was planning to expand its programme for the internally displaced by means of a two-year 9 million dollar project (set to begin in February 2000) to provide emergency food aid, food for work or supplementary feeding to some 227,000 internally displaced persons, focusing on vulnerable groups, including women heads of household, pre-school and primary school-aged children and indigenous and Afro-Colombian communities. Within the framework of a joint project with WFP, the Food and Agriculture Organization of the

United Nations (FAO) provides technical support in food production with a view to increasing food security among the internally displaced. The reproductive health services of the United Nations Population Fund (UNFPA) include among their beneficiaries the internally displaced. Mention also must be made of the work of IOM which includes providing technical assistance in the design and implementation of an information system on internal displacement, a project to enable internally displaced persons to receive personal identity documents, and for capacity-building among social workers for psychosocial assistance for the internally displaced.

61. Moreover, over a dozen international non-governmental organizations are now involved with the internally displaced. Several international agencies working with the internally displaced are funded by the European Community Humanitarian Office (ECHO). A number of these and other international humanitarian and development agencies working with the internally displaced are members of an inter-agency group named "DIAL" (for Diálogo Inter-Agencial), through which they coordinate their operational activities and their advocacy efforts regarding internal displacement.

62. The Representative was informed that although coordination among these various international actors engaged in protecting and assisting the internally displaced has considerably improved, it is still insufficient. For this reason, the Representative was pleased that a representative of the Office for the Coordination of Humanitarian Affairs (OCHA) joined the mission delegation for the purpose of examining this need and making recommendations to address it. The Inter-Agency Standing Committee Working Group (IASC-WG), following presentations by the Representative and OCHA of their findings of the mission,[24] recognized the need to strengthen coordination on internally displaced persons. In this connection, it endorsed OCHA's proposal to support with human resources UNHCR in its function of coordinating the international response to internal displacement.

63. It bears emphasizing that international involvement has clearly increased over the past five years. But international presence is still limited, with the exception of ICRC. Moreover, most international presence is in the capital and not sufficiently spread out around the country and the international programmes undertaken target only a portion of the displaced population. One of the reasons for the limited presence is that the Government's readiness to invite international involvement could risk abrogation by the State of its responsibilities towards its displaced population. Indeed, a number of authorities, at different levels, when asked about what needed to be done often deflected the onus for action onto the international community. Clearly a balance is needed between the role of the international community, which is vital, and the need to ensure that Colombia - a country with a high level of human and resource capacity - does not transfer to the international community the responsibilities that it has the duty and ability to discharge.

III. GAPS IN THE RESPONSE

64. The Guiding Principles provide the normative framework for assessing the needs of internally displaced persons and evaluating the required response. Accordingly, and in correlation to the Principles themselves, this section is organized to correspond with the three

phases of displacement - protection against arbitrary displacement, protection and assistance during displacement, and during return or resettlement and reintegration. Regrettably, as the *Defensor del Pueblo* noted, many of the Principles are not being observed.

A. Protection against arbitrary displacement

65. The continuing increase in the numbers of displaced persons provides a clear sign of the insufficient efforts to provide protection against arbitrary displacement. The Government's accession, as the Representative recommended in 1994, to Additional Protocol II to the Geneva Conventions of 12 August 1949 (which contains in article 17 an express prohibition of displacement) is of course a positive development. So too are the human rights training programmes undertaken by the public forces as well as the commitment made to the Representative by the Commander of the Fifth Brigade to include in these programmes training in the Guiding Principles. Still, as noted above, violations of international human rights and humanitarian law continue to be systematic and widespread, and indeed appear to have only intensified in scope and severity since the Representative's first visit.

66. There is therefore a need for the authorities to respect and promote respect for human rights and humanitarian law, which in turn will prevent and avoid the conditions that give rise to displacement. In particular, there is a need for all of the armed actors to recognize civilians as non-combatants and protected persons under international humanitarian law. "That", as one internally displaced man stressed, "is the most important message; it is that easy, that simple." This call applies both to individual civilians as well as community groupings that have expressly indicated their non-combatant character, such as the "peace communities" that have been formed in a number of areas with the support of the Church and several indigenous communities who have openly declared themselves neutral. Yet, in the month just prior to the mission, a number of "peace communities" in the region of Urabá were attacked, resulting in the killing and kidnapping of several members of these communities and significant displacement. On 24 April 1999, Lucindo Domico Cabrera, an indigenous leader of the Emberá-katio tribe of the Alto Sinú Reservation, who had worked with other indigenous authorities to prevent the displacement of part of this community in February 1999, was shot eight times and killed.

67. Given that many of the killings and massacres committed by armed actors are pre-announced (this was the case for 50 per cent of them in 1998, according to the *Defensoría del Pueblo*), there is certainly scope for preventive action to protect people from being arbitrarily displaced or worse. Article 14 of law 387 prescribes a number of preventive measures, including a role for the armed forces, to address the factors inducing displacement. In practice, however, it is clear that the area of prevention is where the Government's response has been weakest. Though warnings of human rights violations or mass displacements frequently are communicated to the local and national authorities by representatives of international agencies, NGOs, and the *Defensoría del Pueblo* and *Personería*, they are not acted upon.

68. To be sure, the Government may, as a number of officials noted, lack the capacity to be present and provide adequate protection in all areas. But this fails to explain the absence of concerted protective efforts altogether. At a minimum, there is a need for a response on the part of the Government to demonstrate its willingness to attempt to mitigate the threats of massacre and displacement of which it is made aware, in particular by enhancing the State presence in

these high-risk areas. This does not necessarily mean military and police presence alone, but the presence of State institutions. For instance, the presence of the *Defensoría del Pueblo* and *Personerías* needs to be strengthened, including by ensuring guarantees of the physical security of the individuals occupying these offices, who themselves frequently come under threat. Moreover, there is a need for an enhanced role on the part of local authorities in early warning and prevention.

69. As a supplementary measure, the international community, for its part, needs to enhance its presence in the field. The Representative was told of cases where the presence of United Nations staff or international NGOs had contributed to deterring threatened massacres, at least temporarily. For this type of protection to have more lasting effect, as the experience of Peace Brigades International and ICRC attests, the establishment of a permanent international presence in the field is required. Having reassessed the situation on the ground, the Representative is all the more convinced of the need for OHCHR and UNHCR to establish, as he has recommended in recent years, field offices in Colombia outside of the capital (see, for example, E/CN.4/1998/53, para. 60, E/CN.4/1999/79, para. 84). UNHCR's plans to establish regional offices are thus most welcome. The cooperation of the Government is urged in order to enable OHCHR to do likewise.

70. Of course, since much of the displacement is occurring in the context of armed conflict, an end to the conflict is ultimately the best prevention against further displacement. The peace process initiated by President Pastrana is thus a bold and welcome move that merits international support. Concurrently, attention must also be paid to the displacement being caused by large-scale development projects, as in the Alto Sinú region, to ensure that they are justified by compelling and overriding national interests and that the guarantees stipulated in the Guiding Principles when such displacement is allowed are scrupulously respected.

B. Protection and assistance during displacement

71. Of particular concern are physical security, the right to seek asylum, the physical security of those working on behalf of the displaced, access to basic humanitarian assistance, education and opportunities for income-generation.

1. Physical security of the displaced

72. There is ample evidence, as the *Defensoría del Pueblo*, local NGOs and international agencies alike indicated in reference to specific cases, that guarantees of the physical security of internally displaced persons are not being observed. Their right to life and physical integrity are violated daily.

73. Moreover, flight often offers no respite from protection problems, with the displaced persons frequently finding threats to their physical security also in the communities where they seek refuge. As earlier noted, the very fact of having fled tends to heighten suspicions of their sympathies towards one party to the conflict or another and thereby to intensify their risk of being targeted. "We feel very unprotected", internally displaced persons told the Representative

The authorities, they said, "do not take seriously" the threats to physical security brought to their attention. As a result, many of the displaced do not even dare to approach the authorities, for fear of exposing themselves to further suspicion and threats.

74. In recent years, however, increasing numbers of displaced persons have begun to seek safety in solidarity by forming associations among themselves as a means of collectively advocating for their rights with the authorities. The leaders of these groups face serious risks, however, since they frequently are targeted for harassment and attack, including torture and killings. For example, the President of the Displaced Persons' Association in Rioblanco (Department of Tolima) was assassinated in September 1999. In the past two years, 127 leaders of displaced indigenous communities have been assassinated.

2. Right to seek asylum

75. In light of the difficulties that many internally displaced persons face in finding safety in Colombia, it is incumbent upon outside countries to respect the right of those at risk to flee. Both UNHCR and non-governmental groups like the U.S. Committee for Refugees have documented the refoulement of fleeing Colombians, which is not only adding to the numbers of those internally displaced, but exposing those who seek asylum to serious risks to their safety and well-being.[25]

3. Physical security of those working on behalf of the displaced

76. Individuals attempting to provide protection and assistance to the displaced also face severe risks to their physical security, such that the call by the Representative to provide guarantees and safe working conditions for organizations of the internally displaced and for persons working on their behalf (E/CN.4/1995/50/Add.1, para. 113) continues to be valid. Throughout the follow-up mission, the Representative was informed of numerous cases of serious human rights violations, including killings, suffered by individuals working with the displaced. For example, the National Mutual Aid Association (ANDAS), with which the Representative toured settlements of internally displaced persons outside of Cartagena, had three of its members and leaders assassinated in 1996 and 1997. In early 1999, Carlos Castaño, the proclaimed leader of the paramilitary AUC, declared human rights defenders and NGOs in general to be "military objectives". This threat has created a climate of fear for human rights defenders and NGO staff as well as an increased number of disappearances and killings, the displacement of many human rights defenders and the closing of a number of NGO offices.

77. It must be noted that public officials are not immune from such threats. Local representatives of the *Defensoría del Pueblo* have themselves been targeted. Moreover, it was during the mission that Senator Piedad Córdoba, President of the Senate Human Rights Commission and an outspoken advocate of the rights of the displaced, was kidnapped by paramilitary groups; fortunately, she has since been released. In general, however, the situation of the displaced and those undertaking action on their behalf has deteriorated further still since the mission.

78. The staff of international humanitarian organizations also are at increasing risk, leading to the recent withdrawal or scaling back of the activities of a number of organizations in certain areas. Guarantees for their security are a critical precondition for an enhanced international presence.

4. Basic humanitarian needs

79. According to law 387, the Government is to provide three months of emergency humanitarian assistance to the displaced, extendable, exceptionally, for a further three months. Notwithstanding this provision and the emphasis in the national system for response to internal displacement, in practice large numbers of internally displaced persons do not receive assistance. In 1997, only 54 per cent of internally displaced persons received some form of assistance and in 40 per cent of these cases the assistance received consisted only of food aid while only an estimated 20 per cent received housing and health care.[26] Of the internally displaced persons whom the Representative met, the extent to which they received assistance varied, from over a year, to six months, to three months or less, to not at all.

80. While resource constraints, including the alleged misuse of funds, are considered to account for part of the insufficient coverage of humanitarian needs, the principal problem lies in the "certification" process, according to which internally displaced persons must first be certified as such before they are entitled to access the assistance and other benefits provided for them under the law.

81. In practice, few internally displaced persons have received certification. There are several reasons for this. First, given the suspicion with which internally displaced persons tend to be viewed, many are afraid to even request certification, for fear of being targeted on this basis. Those that do apply for certification may find that the veracity of their claim and of the risks that compelled them to flee are called into question. They may be called upon to provide the names of witnesses to substantiate their claim which, understandably, they may be unwilling to do for fear of endangering the lives of others. Officials also frequently insist upon seeing personal identity documentation, such as a birth certificate, before considering an application for certification. However, as in other countries, the displaced often have lost their personal documentation in the course of flight. In Colombia, moreover, many of the displaced never had such documentation at all, especially in rural areas where reportedly there is little need for it. According to official figures, only 17.64 per cent of internally displaced women possess some sort of personal documentation, compared with 60 per cent of men.[27] To obtain the personal identity documentation necessary to be registered would require internally displaced persons to return to their area of origin - precisely the area from which they fled out of fear for their lives. Instead, the authorities should issue to the internally displaced all documents necessary for the enjoyment and exercise of their legal rights without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain the required documents. That return to one's area of origin in order to obtain the necessary documentation is not required by the certification process as set out in law but rather often is a requirement introduced by local officials provides further indication of the overarching need to clarify the law and related procedures for all those with a role to play in its implementation.

82. There is also a need to streamline and expedite the certification process. Long delays mean that even those whose applications eventually are approved frequently wait several months before receiving any assistance. The mobile registration programme initiated by UNHCR and ICRC, in collaboration with the Ministry of Interior, the Registry Office and the *Red*, is an important step towards addressing this problem.

83. Also of concern is the time limit of three to six months on the eligibility for assistance which is problematic since the majority of persons are displaced for longer periods, often years. Indeed, a number of international NGOs with whom the Representative met suggested that those displaced for longer periods are in worse condition than the newly displaced who are at least entitled to assistance. Strategies need to be developed to address not only the immediate but also the longer-term assistance needs of the displaced. The programmes of ICRC, WFP and FAO and a number of NGOs to increase the longer-term food security of the displaced are thus of critical importance. However, there is a need for greater action in this regard on the part of the authorities as well.

84. Another gap in the national response to the assistance needs is that efforts have focused overwhelmingly on those displaced as part of mass movements without sufficient attention being paid to the needs of the large numbers of persons who flee on an individual basis. National strategies to address individual cases of displacement need to be developed. Regarding the international response, the assistance programme of ICRC, it was noted above, does cover a number of individual cases. But generally, international agencies pointed out to the Representative the need for greater international donor support for projects addressing the needs of individual cases of displacement.

85. A number of persons - authorities, NGOs and displaced persons alike - also stressed the need for greater involvement of the internally displaced in the design and implementation of the programmes to address their plight. Special efforts were also recommended to ensure the full participation of women in the planning and distribution of basic humanitarian supplies.

86. Internally displaced women noted health needs as among their main concerns. Without certification, they face difficulties in accessing public health-care services and even with it they report facing discrimination on account of their being displaced. Only 20 per cent of displaced children have access to medical assistance.[28] Yet all sick internally displaced persons as well as those with disabilities should receive to the fullest extent practicable and with the least possible delay the medical care and attention they require, without distinction on any grounds, other than medical ones. It is prohibited under international law to disadvantage displaced persons in accessing health care simply because they are displaced.

87. Those displaced also noted that even when they have access to medical attention, they lack the money to buy medication. The health-care centre built by the local authorities at the Nelson Mandela settlement and the ICRC's programme with the Colombian Red Cross of sending mobile health brigades to regions of Urabá which, because of the conflict, have become off-limits to other health-care workers provide examples of the types of efforts required to address health needs of the displaced.

88. Shelter conditions seen by the Representative on his site visits count among the worst he has ever seen. This was particularly true of the Ciénaga de la Virgen (literally, "Swamp of the Virgin") settlement which is located in a stagnant swamp. Using refuse as landfill, internally displaced persons mark a plot in the swamp and, using whatever material they manage to find, such as cardboard boxes, construct rudimentary shacks; some of the internally displaced were in the midst of this construction process when the Representative visited. The shacks are reached by means of thin individual wooden planks crossing the muddy and contaminated water which, when it rains, floods the floor. A number of the shacks lacked roofs. Also lacking was anti-insect netting which, given the location of this settlement in a mosquito-infested swamp, was critical.

89. Though conditions in the nearby *barrio* of Nelson Mandela were comparatively much better - due in large part to the activities of the Church and local as well as international NGOs - the population of over 25,000 still lived without running water, a sewage system and electricity. The close proximity of the settlement to a garbage landfill site raised serious concerns of contamination and consequent health problems.

90. That these conditions of destitution exist on the outskirts of the impeccably maintained wealthy resort town of Cartagena make their existence particularly difficult to accept. In a subsequent meeting with the departmental and municipal authorities, the Representative pleaded with them to visit such settlements to see for themselves the dire conditions of the displaced and then to engage in discussions with international partners to ensure that these are addressed. Residents had told the Representative that the local authorities visit the settlements only at election time.

5. Education

91. Particularly glaring is the fact, reported by the *Defensoría del Pueblo* and confirmed by local and international NGOs, that only an estimated 15 per cent of internally displaced children receive some form of education. This low attendance rate is due to a number of factors. Internally displaced families find that they are not able to afford the cost of books and uniforms, though the amount may be small - the figure of $5 or $10 was mentioned - this is money that they simply do not have. Another explanation is that the desperate economic situation of the displaced compels a large number of displaced children to enter the informal labour market, including prostitution. A further impediment is the lack of teachers, who, it was noted above, are among the targets of "political cleansing". The discrimination that internally displaced persons face also deters children from attending school: one woman recounted that her son was told by his teacher "no wonder you are so stupid - you are a displaced".

92. Those displaced children who do attend school tend to demonstrate poor academic performance on account of experiencing high rates of cognitive disorders and memory loss, malnutrition and psycho-social problems. The authorities should, in accordance with the Guiding Principles, ensure that displaced children receive education which is free and compulsory at the primary level and that education facilities be made available to internally displaced persons, in particular adolescents and women, as soon as conditions permit.

6. Employment and income-generation

93. The internally displaced stressed that employment and income-generation is a priority concern. Coming mostly from rural areas, the displaced arrive in the cities to find that the pressure for money just to buy food and pay rent or buy materials to build shelter is immediate and enormous. Support for "social and economic consolidation and stabilization" is one of the main components of the National Plan for the Internally Displaced, reflected in law 387.

94. However, the economic downturn that the country has been experiencing since 1997, owing to a decrease in the overall economic growth rate, makes meaningful economic activity hard to find. Unemployment rates have reached 20 per cent (up to 30 per cent in certain cities according to some). For the displaced, the search for work is further complicated by the stigma and suspicion associated with their situation and their frequent lack of education and urban job skills. The type of income-generating activities in which internally displaced persons engage tend to be low-paying, temporary jobs with few or little social benefits such as construction work for men and domestic work for women. Sexual abuse suffered by housemaids is considered to be widespread.[29] Street vending of items such as food, trinkets or housewares is common among the displaced but brings only meagre earnings. Large numbers of displaced women and young girls reportedly find that they have no alternative but to resort to prostitution.

95. As alternative means of employment and income generation, internally displaced persons suggested that they be hired to work on public works projects and that the involvement of the private sector in creating income-generating opportunities for them be encouraged. WFP's microcredit programme for displaced indigenous communities was cited as an important example of a targeted intervention responding to the particular needs of these communities. Internally displaced women stressed the need for skills training, microenterprise projects and microcredit schemes.

96. To support income-generating activities for women, child-care facilities are required. One example of a State-run programme in this regard is the "*Madres Comunitares*" in the Nelson Mandela *barrio* which involves paying a number of internally displaced women to provide day care for children whose mothers work. Women also suggested that subsidized public transportation for the displaced would be a practical way in which the Government could facilitate their engagement in income-generating activities as well as ease the financial burden of urban living.

7. Information

97. Internally displaced persons generally do not have clear information about their entitlements under national policy and the procedures for accessing these. The *Defensor del Pueblo*, in his helpful analysis of the situation of internal displacement, emphasized the right of the internally displaced to information - information about what is to be provided by the State and how to go about obtaining it. Some local authorities admitted that the internally displaced do not have sufficient information, raising once again the central theme of needing to clarify and provide guidance to all those involved, authorities and internally displaced persons alike, on the content of the law and the modalities for its implementation. The national workshop of internally displaced women made a suggestion to correct this lacuna: it called for the production

of a booklet to provide internally displaced persons with information on the benefits to which they may be entitled under the law, the institutional procedures involved, and the various government and NGO programmes for which they may be eligible. This is a concrete and low-cost measure that could make an important difference in the lives of the internally displaced.

C. Return or resettlement and reintegration

98. Regarding durable solutions for the internally displaced, it should be noted that the focus of government efforts to date has been on return, without adequate attention to the alternative of resettlement. Indeed, law 387 limits its discussion of durable solutions to return. On the question of voluntariness, it must be noted that the internally displaced generally are not being directly forced to return. However, they often are subject to indirect pressure from the authorities in their host community or feel compelled to return out of sheer desperation stemming from the insufficient protection and assistance they receive, which leaves them feeling that they have no choice but to return. Furthermore, in a number of cases internally displaced persons have been encouraged to return on the basis of assurances made by the authorities that their physical safety would be protected, only to discover, with tragic results, that this was not the case.

99. For this reason, it is of the utmost importance that communities contemplating return be provided with clear information on the conditions of security and assistance in areas of return or resettlement. It is only when they have such information that the voluntariness of their decision to return or resettle can be assured. The Representative was told of a number of cases where displaced communities had attempted to return to their places of origin, even though minimum conditions of security existed in these areas and the causes which had given rise to their displacement clearly had not been eliminated. One internally displaced person with whom the Representative met noted that only the day before he had attempted to return to his home in the Montes de Maria region the car in which he was travelling was stopped by armed men and a number of the passengers were killed. Absent guarantees for their physical security, it is not uncommon for returning displaced persons to be displaced anew, a second, and sometimes a third time.

100. Leaders of the returning community are often singled out for attack in a foreboding message intended for the broader community. Two recent high-profile cases illustrate this phenomenon. In 1998, 4,000 internally displaced persons in the Pavarando camp returned to eight communities in Riosucio (Choco), where they formed a "peace community", supported by the Catholic Church, expressly distancing itself from all armed actors. However, on 5 April 1999 a paramilitary group entered the settlements, killed 12 of the leaders and kidnapped 7 (who subsequently were released). In another case concerning the aforementioned mass displacement of some 8,000 persons from the south of Bolivar to Barrancabermeja, the return of these persons in November 1998 was marred by the killing and mutilation by paramilitary forces of several leaders of the group. In both cases, the return processes had occurred in accordance with an agreement between the displaced and the Government which had committed itself in writing to guarantee the returnees' safety.

101. It should go without saying, but in light of the above cannot, that if such commitments are to be made by the Government they clearly need to be honoured, by taking all necessary

measures to ensure the safety of the returnees. An enhanced presence in areas of return of State institutions such as the *Defensoría del Pueblo*, the Human Rights Unit of the Ministry of the Interior and the judiciary, as well as the police and armed forces, would be among such measures. Increased international presence in areas of return, to provide objective assessments of the conditions of safety in these areas and to monitor the safety of returning internally displaced persons also would be important, provided that this is a supplement to action on the part of the State.

102. The need for the authorities to honour commitments relating to return also relates to the assistance to be provided to ensure conditions of dignity and sustainability. Though the law provides for relief and infrastructure assistance, in a number of cases communities have found that these were not provided or were subject to long delays.

103. Another important element for sustainable solutions that needs to be more effectively addressed is that of restitution or compensation for land and property lost as a result of displacement. It should be emphasized that, according to the Guiding Principles, the authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property or possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, these persons should be assisted in obtaining appropriate compensation or another form of just reparation.

104. In Colombia, where control over the land is so central to the conflict, an equitable process of land reform and distribution is key to a lasting solution. The fact that the majority of the internally displaced lack legal title to the land they left behind, however, makes it extremely difficult for them to recover land or be compensated for its loss. Article 19 of law 387 specifies that the *Instituto Colombiano para la Reforma Agraria* (INCORA) should adopt special measures for land entitlement and transfer in zones of expulsion and zones of reception as well as introduce special lines of preferential credit for the internally displaced. The process of reinstating or reallocating land for the displaced, however, is very slow, with delays of nine months to two years, during which period the displaced often are without humanitarian assistance or other means of support. Moreover, the legislation on agrarian reform, in particular Act 160/94, does not sufficiently take into account the particular situation of the internally displaced, who are expected, just as any other peasant requiring land, to pay 30 per cent of the total cost of the new plot of land they are allocated; this is money that most internally displaced, bereft of their possessions and normal means of livelihood, simply do not have.

IV. CONCLUSIONS AND RECOMMENDATIONS

105. In light of the above, it is clear that although the Government has made progress in acknowledging its responsibility for the internally displaced and creating legal and institutional frameworks to address the problem, many of the difficulties identified in 1994 persist today. The main problem lies not so much in the design of laws or the selection of strategies - efforts that should be commended - but in their implementation. In the words of one local observer, law 387 has become a "phantom law" since for the most part it exists only on paper.

106. Problems of implementation stem from numerous factors. Overall, there seems to be insufficient will or determination on the part of the Government to put its laws into practice. As a result, institutional responsibilities remain unclear. Resource allocations suffer from long delays and insufficient decentralization. Bureaucratic obstacles, especially the "certification" process, are allowed to impede the access of the displaced to assistance. Sharply differing perspectives between the central Government and the local authorities interfere with the development of predictable and effective responses to the needs of the displaced. Coordination within the Government and with the NGO community remains problematic. Suspicion of the displaced remains deep seated, leading to neglect and discrimination against them. The tendency to allocate to the international community responsibility for addressing their needs is therefore of serious concern. Moreover, the efforts of national and international actors to help them are not adequately integrated. Even the pursuit of peace, which certainly should help the displaced, tends to relegate to a lower priority the urgent need to prevent further arbitrary displacement, to protect and assist the large numbers of internally displaced and to support durable solutions to their plight. Meanwhile, the number of internally displaced persons in Colombia continues to grow.

107. Concerned by the deterioration of the situation of internal displacement, there is an urgent need for a comprehensive strategy that would clarify the central role of the State and integrate the supplementary work of other actors, non-governmental and intergovernmental alike. The following are the suggested components for such a strategy.

108. Clear assessment of the national and international responses to the problem. Recalling the request of the Vice-Minister for Foreign Affairs for international assistance to assess the magnitude of the problem, it would indeed be helpful to have a better sense of the numbers of internally displaced, especially as a means of bringing home to both the Government and the international community the magnitude and seriousness of the problem. At the same time, it must be recognized that considerable work already has been done in this regard, especially by the Church and local NGOs, such that in the view of many, including some government authorities, there already exists sufficient diagnosis of the problem. Indeed, the situation of internal displacement in Colombia appears to be one of the best documented in the world. Emphasis rather should be on the response. In this regard, the Representative recommends an assessment of the response to the needs of the internally displaced, examining who is doing what, where and with what impact. Such an analysis would serve to identify the gaps in the coverage of geographic areas and needs as well as help to avoid duplication.

109. Clarification and implementation of national policy. Steps are needed to put policy into practice. In particular, this means: completing the *reglamentacion* of law 387; finalizing the reformulation of the third CONPES document through a broad-based consultative process including the participation of NGOs; and communicating to relevant mechanisms their specific responsibilities. In addition, national policy on internal displacement should incorporate the Guiding Principles on Internal Displacement.

110. Establishment of the institutional mechanisms provided for in law 387. This includes: convening the National Council for Comprehensive Assistance to the Displaced; supporting the establishment and capacity-building of local, regional and departmental committees on internal displacement; ensuring the timely transfer of funds to these committees in an amount

commensurate with their responsibilities; operationalizing the National Information Network; and establishing the Observatoria del Desplazamiento Interno por la Violencia. The establishment of the Observatorio, in particular, is essential for enabling national and international NGOs to participate in the process and determine where they can most effectively contribute to the national response.

111. Strengthening coordination of responses at the national level. As was the case in 1994, the Government's response is hampered by the problem of excessive centralization, with the result that national policy does not always correspond to the needs of particular regions. Closer coordination is required between the national and local authorities who, in turn, need to promote coordination at this level through the establishment and effective functioning of regional, departmental and municipal committees for the displaced as provided for in the law. The work of the JTU should enhance their capacity for doing so.

112. Opening up spaces for cooperation and dialogue between the Government and NGO community. Separate mention must be made of the need to foster a spirit of partnership between the Government and the NGO community. Aside from the establishment of the Observatorio, recommended measures to this end include convening the *mesa de trabajo mixto*, allowing all relevant NGOs to participate in meetings held between the Government and NGOs, and appointing an NGO liaison officer within the Government. Measures to guarantee the safety of NGOs and others advocating on behalf of the displaced are absolutely essential.

113. Strengthened coordination at the international level. Within the United Nations system, there is recognition that coordination is not as strong as it could be and that closer interaction between United Nations agencies and NGOs would be beneficial. As a follow-up to the mission, recommendations for strengthening coordination among the international agencies have been put forth by OCHA, with the support of the Representative, to the IASC membership which has agreed that the current "de facto" coordination arrangements on internally displaced persons which see UNHCR acting in a facilitation role should be maintained, that OCHA should support UNHCR in this role, that the humanitarian component of the country team should be strengthened and that all efforts should be made to avoid duplication of efforts.

114. Establishment of greater international presence, especially in the field. The need to establish greater international presence in the field remains of utmost importance. The presence of international personnel, such as ICRC and Peace Brigades International, has served to provide protection to civilians at risk in outlying areas. The decision of UNHCR to expand its presence beyond the capital through the establishment of three field offices is thus most welcome. It would be valuable if OHCHR could do likewise. Guarantees for the security of international staff are clearly a critical precondition for an enhanced international presence in the field.

115. Launching of a national public awareness campaign on the plight of the internally displaced and their rights. As was the case in 1994, internally displaced persons continue to be viewed in Colombian society as a "problem" rather than as fellow citizens who have been victimized by the conflict and are in need of protection and assistance. Throughout the mission, a number of people commented on the generous outpouring of sympathy and support by the Colombian Government and society as a whole for the victims of the devastating earthquake that occurred in the country in January 1999, contrasting this with the suspicion and stigmatization

with which those displaced by conflict are viewed. This perception then leads to discrimination which severely impedes enjoyment by the displaced of their most basic rights - to protection, assistance, health care, education and employment. There is thus a need to sensitize Colombian society to the plight of the internally displaced in order to foster a sense of solidarity with them. An important first step in this regard is the recent publication by the *Defensoria del Pueblo*, with the support of UNHCR, of the Guiding Principles on Internal Displacement, which clearly prohibit discrimination against the displaced; this booklet should be widely disseminated.

116. Integration of the issue of displacement into the peace process. It should go without saying that an end to the conflict is essential to resolving the problem of internal displacement in Colombia and, thus, that the peace process is a welcome move that merits support. The Representative, for his part, has expressed support for this initiative and used the occasion of his meetings with the President, the Vice-President, the High Commissioner for Peace and other senior officials involved in the peace process to urge the integration of the issue of displacement - its prevention, protection and assistance to the displaced, and their safe return or resettlement and reintegration - into the peace process. The President and senior officials involved in the peace process provided positive indications that they may be prepared to do so.

117. Concerted efforts to provide protection against arbitrary displacement. Respect for international human rights law and humanitarian law, in particular, respect by all armed actors of the non-combatant nature of the civilian population, especially of peace communities, and the protections that this status affords is urgently required. It would be useful if the various early-warning efforts that exist or are envisaged were consolidated into a single comprehensive system. Timely and effective responses by the authorities to early-warning information of human rights violations and displacement is then required; the fact that massacres and acts of displacement frequently are pre-announced provides considerable scope for preventive action and increases expectations for effective responses in this regard. Preventive measures for guaranteeing the physical security of populations at risk include a strengthening of the presence of national military, police and civil institutions in high-risk areas - this provided that the activities of these national institutions are effectively de-linked from those of the paramilitaries and other armed groups. Special protection measures to protect against the displacement of indigenous communities and other persons having a special attachment to the land also are required.

118. Protection of the physical security of the displaced and those working on their behalf. Effective responses must be taken to address threats against the physical security of the displaced, their leaders and others advocating on their behalf. Especially when these are brought to the attention of the authorities, the onus is on them to take appropriate measures.

119. Respect of the right to seek asylum in other countries. Until such time that their protection can be assured within the country, those seeking asylum in other countries should be allowed entry and should not be forcibly returned.

120. Ensuring access to humanitarian assistance. As highlighted above, large numbers of displaced persons do not receive humanitarian assistance addressing their needs for food, shelter, medical care and sanitation. A key obstacle to their having access to humanitarian needs is the "certification" process which is lengthy, cumbersome and inadequately understood by the

officials responsible for its implementation, to the severe detriment of the internally displaced. Streamlining this system and doing away with the unreasonable requirements frequently associated with it and which are contrary to international law is something the Government *can do* and which would have a significant impact in easing the plight of the internally displaced, particularly in the cases of individual displacement which the Government acknowledges need to be better addressed. The Representative considers improvements to the "certification" process to be a matter of utmost priority for the Government.

121. Production of a handbook for the displaced. Another essential step for facilitating access by the displaced not only to humanitarian assistance but all benefits provided for them under the law is to ensure that they have information on the procedures for accessing these benefits. Too many internally displaced, especially poor rural women, wander around in the cities without any awareness of how to obtain needed food, medicine and shelter. It is to be hoped that an international agency or international or local NGO will produce such a handbook for the displaced without delay and that this booklet will be disseminated widely.

122. Promotion of self-reliance. As the displacement in Colombia is often protracted, frequently for years on end, simply providing handouts to the displaced is clearly not a sustainable strategy nor is it what the displaced themselves want. While addressing the immediate emergency needs of the recently displaced, there is also a need to develop strategies specific to those who, after at best six months, are left to fend for themselves. In particular, programmes supporting the self-reliance of the displaced need to be expanded. Support enabling the displaced to engage in meaningful economic activity also is needed. Education and training are required as well as help in finding jobs, together with measures such as subsidizing child care or public transportation so as to enable the displaced to help themselves.

123. Specific attention to the particular needs of internally displaced women and children who make up the overwhelming majority of the displaced. The report has highlighted a number of concerns, in the areas of documentation, health, education, training and income-generation which impact severely on women and children. Greater involvement on the part of internally displaced women in the design and implementation of policies and programmes, in particular in local committees, is strongly encouraged. So too is the development of a nationwide organization of displaced women to advocate for their rights and those of their families. Protection of children from forced recruitment is an issue requiring greater attention. The recommendations made by the Special Representative of the Secretary-General on Children and Armed Conflict following his recent mission to Colombia merit attention and support.[30] In particular, the Special Representative called upon FARC to end the recruitment of children under the age of 15. He also has urged the Government to address the urgent needs of displaced children and their families, especially concerning health, education, sanitary conditions, shelter, water, registration, economic opportunities, physical protection and safe return or resettlement.

124. Ensuring return or resettlement in conditions of safety and dignity. Return or resettlement must not be in any way encouraged without guarantees for physical safety. Commitments made by the Government in this regard must be matched by concerted efforts to ensure their effective implementation. Enhanced international presence in areas of potential and actual return or resettlement would allow for objective assessments of the extent to which the requisite conditions of safety exist. Alternatives to return, specifically resettlement, need to be

more actively pursued by the Government. Regardless, reintegration assistance is essential, as are measures for the restitution or compensation of property lost as a result of displacement and for the fair redistribution of land.

125. Regular follow-up on the status of these recommendations. International and local NGOs in particular stressed the importance of periodic updates on the status of implementation of recommendations. The Representative would indeed encourage such efforts and welcome a consolidated assessment, from all those engaged on the ground, of the status of implementation and continued relevance of the recommendations put forth in this report.

126. This report has focused primarily on recommendations for action by the Government of Colombia partly because the dimension of international response has been covered in the report by OCHA.[31] But perhaps more importantly, the report focuses on the national response because internal displacement is first and foremost a national responsibility. In this connection, it should be borne in mind that displacement and indeed the conflict generating it are symptoms of deeply rooted national problems. As is the case with most if not all of the countries torn apart by conflict and internal displacement, Colombia is an acutely divided country. The rural poor, the indigenous populations and the Afro-Colombians are the primary victims of a national identity crisis that both contributes to the conflict and impacts on the national response to its consequences. While the Government is called upon to respond to the crisis of internal displacement, it must aim at addressing the root causes to promote justice, security and equality for all its citizens. But as the crisis has been ongoing for decades, it is to be expected that no comprehensive solution is likely to be found in the near future and that the dispossessed of Colombia will continue to look to the international community for protection and assistance. The concern about the Government assigning its responsibility to the international community is valid, but it cannot be a justification for leaving unprotected and unassisted a people who are largely dispossessed by their own national authorities. The international community must strive to fill that gap.

Notes

[1] Conferencia Episcopal de Colombia, Derechos Humanos. Desplazados por la Violencia, Santafé de Bogotá, Kimpres, 1995.

[2] Presidency of the Republic, *Segundo Informe de la Gestión Estatal en Atención Integral a Población Desplazada por la Violenca*, 16 March 1999.

[3] See Roberta Cohen and Francis M. Deng, Masses in Flight: The Global Crisis of Internal Displacement, Washington, D.C., Brookings Institution, 1998, pp. 35-38.

[4] Consultoria para los Derechos Humanos y el Desplazamiento (CODHES), CODHES INFORMA: The CODHES Bulletin, No. 17 (15 February 1999), p. 1.

[5] For detailed analyses of the violations of international human rights law and international humanitarian law occurring in Colombia, see the report of the United Nations High Commissioner for Human Rights on the Office in Colombia (E/CN.4/1999/8), Human Rights Watch, War Without Quarter: Colombia and International Humanitarian Law (October 1998), Amnesty International, Just What do We Have to Do to Stay Alive? Colombia's Internally

Displaced: Dispossessed and Exiled in Their Own Land (October 1997); Inter-American Commission on Human Rights, Third Report on the Human Rights Situation in Colombia (26 February 1999).

[6] Fourth Report of the People's Advocate to the Congress of Colombia, Santafé de Bogotá, 1997, pp. 59-60.

[7] E/1999/23 - E/CN.4/1999/167, para. 32.

[8] See the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/54/430) paras. 122-127.

[9] *Segundo Informe de la Gestión Estatal en Atención Integral a Población Desplazada por la Violencia, op. cit.*, p. 8; Women's Commission for Refugee Women & Children, A Charade of C Concern: The Abandonment of Colombia's Forcibly Displaced, New York, May 1999, p. 2.

[10] See U.S. Committee for Refugees, Colombia's Silent Crisis: One Million Displaced by Violence, Washington, D.C., U.S. Committee for Refugees, March 1998, pp. 16-17.

[11] Nelson Vitoria Larios, "Exposición de motivos: Proyecto de ley, por el cual se dictan medidas especiales de apoyo a los desplazados forzosos en Colombia", July 1995, cited in Liliana Obregon and Maria Stavropoulou, "In Search of Hope: The Plight of Displaced Colombians", in Roberta Cohen and Francis M. Deng (eds.), The Forsaken People: Case Studies of the Internally Displaced, Washington, D.C., Brookings Institution, 1998, p. 426, note 95.

[12] República de Colombia, Departamento Nacional de Planeación, *Documento CONPES 2804: Programa Nacional de Atención Integral a la Población Desplazada por la Violencia*, 13 September 1995.

[13] Report of the Office of the President, cited in Inter-Amercian Commission on Human Rights, Third Report on the Human Rights Situation in Colombia, 26 February 1999, para. 82.

[14] República de Colombia, Departamento Nacional de Planeación, *Documento CONPES 2924: Sistema Nacional de Atención Integral a la Población Desplazada por la Violencia*, 28 May 1997.

[15] Ley 387 de 18 de julio de 1997 "Por la Cual se Adoptan Medidas para la Prevencion del Desplazamiento Forzado; la Atención, Protección, Consolidación y Estabilización Socioeconómica de los Desplazados Internos por la Violencia en la Republica de Colombia".

[16] Decree 173 of 26 January 1998 "*por el cual se adopta el Plan Nacional para la Atención Integral a la Población Desplazada por la Violencia*".

[17] Decree 501 of 13 March 1998.

[18] The Council is comprised of the Presidential Adviser for the Displaced, the Presidential Adviser for Social Policy, the Minister of the Interior, the Minister of Public Finance, the Minister of Defence, the Minister of Health, the Minister of Agriculture and Rural Development, the Minister of Economic Development, the Director of the Department of National Planning, the *Defensor del Pueblo*, the Presidential Adviser on Human Rights, the High Commissioner for Peace and the Manager of the *Red de Solidaridad Social*.

[19] Ministry of the Interior, *El Desplazamiento Humano Forzado en Colombia*, December 1998.

[20] Decree 387 of 3 March 1999 and decree 489 of 11 March 1999.

[21] *Forced Displacement: Families Flee Their Homes*, London, ABColombia Group, 1998.

[22] The Plan Colombia sets out strategies in 10 strategic areas, including peace, economic development, anti-narcotics, and human rights.

[23] "Colombia: ICRC to assist over 170,000 displaced people in 1999," *ICRC News*, No. 34 (19 August 1999).

[24] The background paper on the IDP situation and related coordination challenges in Colombia that was prepared by OCHA on the basis of the mission and presented to the IASC-WG meeting of 17 September 1999 is available (in English only) from the Policy Development Unit of OCHA, New York: ocha-pdu@un.org.

[25] U.S. Committee for Refugees, Colombia's Silent Crisis.

[26] CODHES Final Report for 1997, cited in Project Counselling Service, Forced Displacement in Colombia, Lima, 1998, p. 51.

[27] *Segundo Informe de la Gestión Estatal en Atención Integral a Población Desplazada por la Violencia*, op. cit., p. 8.

[28] CODHES Final Report for 1997, op. cit., p. 51.

[29] Obregon and Stavropoulou, op. cit., p. 419.

[30] A/54/430, op. cit., paras. 122-127.

[31] Op. cit., note 24 supra.

COLOMBIA: AREAS OF INTERNAL DISPLACEMENT

Annex

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.